

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

KENNETH TITSWORTH

PLAINTIFF

v.

No. 2:18-CV-02111

TREVOR HODGE, M.D., et al.

DEFENDANTS

**ORDER**

Before the Court is a motion (Doc. 93) to stay proceedings because of the death of Defendant Hodge. While a stay is unnecessary, an extension of deadlines is appropriate. Following transfer of the case to the undersigned, Dr. Hodge's deadline to respond to the amended complaint (Doc. 53) was set as July 17, 2018. A suggestion of death (Doc. 92) for Dr. Hodge was filed on July 11, 2018. Dr. Hodge died on June 22, 2018. Pursuant to Federal Rule of Civil Procedure 25(a), if no motion to substitute Dr. Hodge's successor or representative is made by October 9, 2018—within 90 days after the suggestion of death was filed—any claims against Dr. Hodge must be dismissed.

If claims against Dr. Hodge are not dismissed, then good cause will exist to extend the deadline for his successor or representative to respond to the complaint until after the successor or representative is substituted for Dr. Hodge. Because Dr. Hodge has died, he cannot respond to discovery, and good cause exists to enter a Rule 26 protective order absolving him or his proposed successor or representative of any requirement to do so until a successor or representative is party to this action.

IT IS THEREFORE ORDERED that the motion (Doc. 93) is GRANTED, insofar as the deadline for Defendant Trevor Hodge's successor or representative to respond to the amended complaint is extended to 14 days after the entry of an order substituting that successor or

representative for Dr. Hodge.

IT IS FURTHER ORDERED that Dr. Hodge need not respond further to any discovery requests that have already been served upon him, and that those discovery requests and any new discovery requests will not be considered to be served on his proposed successor or representative until the date of entry of a Court order substituting that successor or representative for Dr. Hodge.

IT IS FURTHER ORDERED that any party serving a motion to substitute on a proposed successor or representative for Dr. Hodge must simultaneously serve the proposed successor or representative with a copy of this order.

IT IS SO ORDERED this 17th day of July, 2018.

/s/ P. K. Holmes, III

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE